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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,865	11/24/2003	William P. Camp JR.	03-03-us	5679

7590
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07/11/2008

EXAMINER

CASTELLANO, STEPHEN J

ART UNIT	PAPER NUMBER
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3781

MAIL DATE	DELIVERY MODE
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07/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/720,865	Applicant(s) CAMP, WILLIAM P.	
	Examiner /Stephen J. Castellano/	Art Unit 3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-7, 16 and 21-38 is/are pending in the application.
- 4a) Of the above claim(s) 34 and 35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-7, 16, 21-33, 36-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Claims 1-4, 8-15 and 17-20 have been canceled. Claims 5-7, 16 and 21-38 are pending.

Claims 34 and 35 stand withdrawn from further consideration pursuant to 37 CFR

1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5-7, 16, 21-23 and 36-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitation "the bottom wall" in line 5. There is insufficient antecedent basis for this limitation in the claim because it can't be determined if the bottom wall of the container body or the bottom wall of the insulating layer is meant.

Claim 16 recites the limitation "the bottom wall" in line 4. There is insufficient antecedent basis for this limitation in the claim because it can't be determined if the bottom wall of the container body or the bottom wall of the insulating layer is meant.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-7, 24 and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dooley in view of Shook et al. (Shook), Lytle and Ragland.

Dooley discloses an insulated container comprising a container body (60) a lid (48) and an insulating layer (64) and a liner (62) configured to be removable and reusable and fits substantially within the container body wherein the liner is manufactured from a rigid material. The insulating layer (62) has an insulated partition (sloped section 66 which consists of a top wall and two walls which extend downwardly from the top wall) separating the insulating layer into two compartments or coupling cavities. The liner 62 has a channel fitting over the insulating partition and a lip at the upper edge. Dooley discloses the invention except for the partition extending proximate the lid and the latches.

Shook teaches an insulating foam material insert with the partition extending proximate the lid. It would have been obvious to modify the structure of Dooley by extending the partition upwardly in close proximity to the lid in order to deepen the wells or compartments to allow for more storage in each well as well as to isolate one well from another well to inhibit the transfer of items contained in the wells and inhibit the flow of heat from the higher temperature well to the lower temperature well.

Ragland teaches a latch to removably attach a full height liner. Lytle teaches latches on oppositely disposed upstanding wall for a partial liner (as it extends only at the topmost portion of the interior of the container body). It would have been obvious to add the plurality of latches to opposed upstanding walls to secure a removable liner with a body cavity to allow separate cleaning of a soiled liner or allow separate replacement of a damaged liner. Lytle's liner discloses the flexible arm and hook received within a slot arrangement and open area between the channel formed by the upper lip and sidewall of the liner and the inner surface of the body sidewall that can vent trapped air.

The two compartments of Dooley are substantially thermally isolated. These compartments become more isolated when modified in view of Shook.

Re claims 36 and 37, Dooley's liner comprises a pair of side walls with an elongated channel therebetween that is open at the underside of the channel, the partition fits into the channel.

Claims 16, 21-23, 30 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dooley in view of Gale.

Dooley discloses the invention except for the recess in the underside of the lid. Gale teaches a recess on the underside of a lid aligned with a corresponding cavity for supporting an upright object (e.g. wine bottle). It would have been obvious to add the recess on the underside of a lid to provide a lid support to an upright object to prevent falling of the objects and possible damage from similar objects being broken during bumpy transport.

The two compartments of Dooley are substantially thermally isolated.

Re claims 16, 21-23 and 30, three horizontal cross sections taken at three different heights of the bottom cup portion of Gale would lead to three cylindrical portions having three different diameters. In addition the recesses of Gale are configured to effectively secure two profiles of a wine bottle: (1) the wider base and (2) the narrow neck or cap/cork at the upper region. It is known that there are a wide variety of containers of different volume and that these containers all have different diameters, cans have narrow profiles of smaller diameter than cans of wider profile of greater diameter, a wine bottle has a wider profile of greater diameter, and a two-three liter soda bottle has a wider profile of greater diameter. It would have been obvious to modify the dimensions of the cup to hold a plurality of different sized containers by

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incorporating three distinct diameters which correspond to the base diameters of three different containers in order to expand the usage of a container from a single container to multiple containers and/or by incorporating three or more diameters which correspond to the multiple profiles of a single container to expand the usage of the container to hold a container in more than one orientation.

Re claim 33, it would have been obvious to modify the bottle bottom recess engaging projection to be domed shape and sized to fit within the recess of a can as a matter of design choice in adapting the recess to fit a specifically sized and shaped object as providing the negative profile of an object's bottom to form a secure support that minimizes stress in the bottom recess.

Claims 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dooley in view of Shook, Lytle and Ragland as applied to claim 24 above, and further in view of Gale.

The Dooley-Shook-Lytle-Ragland combination disclose the invention except for the differently sized portions of the coupling cavity. Gale teaches the cup with differently sized cylindrical portions. It would have been obvious to modify the dimensions of the cup to hold a plurality of different sized containers because it is known that all containers do not have the same diameter and it would have been obvious to select three diameters which correspond to the dimensions of bottles to be transported.

Re claim 26, the polygonal shape would have been obvious as a design choice shape modification.

Claims 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dooley in view of Gale as applied to claim 30 above, and further in view of Lytle and Ragland.

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Dooley and Gale are applied as previously discussed in the rejection of claims 11, 12, 16, 21-23, 30 and 33 above. The Dooley-Gale combination discloses the invention except for the latches and the channel. Lytle and Ragland teach the latches and channel. It would have been obvious to add the latches for securing a removable liner. It would have been obvious to add the channel to allow venting so that the liner more easily slides with respect to the body when being inserted and removed.

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dooley in view of Shook, Lytle and Ragland as applied to claim 37 above, and further in view of Bartholomew.

The combination discloses the invention except for the rib. The lid of Bartholomew contains rib 34 which abuts a pair of side walls of a partition. It would have been obvious to modify the lid of the combination to include a rib that engages a pair of partition side walls to seal the adjacent compartments separated by the side walls to prevent cross contamination between these two adjacent compartments.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Castellano whose telephone number is 571-272-4535. The examiner can normally be reached on increased flexibility plan (IFP).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony D. Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen J. Castellano/
Primary Examiner
Art Unit 3781

sjc